

Appl. No. 10/800,080

Amdt. dated Aug 23, 2005

Reply to Office action June 23, 2005 and Non-Compliant Notice dated 8/9/05

REMARKS/ARGUMENTS

Figure 2 is amended to identify one of the item 82 features as item 83.

Claims 1 is amended as shown below.

Claim 1 (currently amended): An electrical cord securing device comprising;

a replacement outlet cover configured with at least one hole located on opposite sides of an outlet wherein each hole has at least one louvered tab to prevent objects from being passes through the holes;

a substantially rectangular plug retainer that surrounds at least a portion of an electrical cord where the plug retainer is installed in the replacement outlet cover by pushing the plug retainer into the replacement outlet cover and removed by pressing in on the sides of the plug retainer to disengage the plug retainer from the outlet cover.

These changes add two limitations to the claim. The limitations included the louvered tabs that were identified in withdrawn claim 3. The second limitation regards the removal of the plug retainer by pressing in on the sides of the plug retainer to disengage the retainer from the replacement outlet cover. This is supported in the application on page 4 lines 20 and 21.

Claims 14 is amended as shown below.

Claim 14 (currently amended) A method of retaining an electrical cord in an electrical outlet, the method comprising:

placing an electrical cord through a slot in a one piece plug retainer;

inserting the plug into an electrical outlet;

pressing the one piece plug retainer into a replacement electrical outlet cover until tabs located on at least one side of the one piece plug retainer spread and lock into the replacement outlet cover.

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The added limitation to claim 14 specifies that the plug retainer is a one piece plug retainer.

Claims 2-8 and 11-13 were amended to correct informalities identified by the examiner. The amendments were made to claims 2, 5, 6 and 13 as shown below.

Claim 2 (currently amended) The electrical cord securing device ~~replacement-outlet component~~ from claim 1 where the replacement outlet component has holes placed on opposing sides of each outlet.

Claim 5 (currently amended) The electrical cord securing device from claim 1 further includes a raised area located on the back side of the holes that require the user to press the plug retainer into the outlet before the plug retainer ~~power cord retaining device~~ can be removed.

Claim 6 (currently amended) The electrical cord securing ~~power cord retaining device~~ from claim 1, wherein the plug retainer has tabs located on the sides of the plug retainer. ~~power cord retaining device~~.

Claim 13 (currently amended) The electrical cord securing ~~power cord retaining device~~ from claim 6 further includes at least one spacer that can be used to further secure a the power cord within the plug retainer ~~power cord retaining component~~.

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Novelty (35 USC § 102)

The Office considers claims 1, 2, 6-8, 11-14, 16 rejected under 35 U.S.C. 102(b) for being anticipated by Rust (US 6,428,333). The applicant disagrees based upon the changes made to claims 1, and 14.

Changes made to claim 1 now include the limitations that the replacement outlet cover is configured with at least one hole located on opposite sides of an outlet. Rust provides two sets of holes located on the sides of the outlet cover. Claim 1 further provides that the holes include a louvered tab that is not a requirement in Rust. An additional limitation not found in the Rust application includes the requirement that the plug retainer is disengages from the outlet cover by pressing in on the sides of the cover to disengage the plug retainer. There is no such requirement in the Rust patent regarding this action to disengage the plug retainer.

Changes to claim 14 now include the limitation that the plug retainer is one piece. The Rust patent shows and describes the plug retainer as a clam shell inside a sleeve (3 piece) plug retainer.

The Office considers claims 1, 6, 9, 10 anticipated under 35 U.S.C. 102(b) for being anticipated by Cross et al. (5,655,924).

Changes made to claim 1 now include the limitations that the replacement outlet cover is configured with at least one hole located on opposite sides of an outlet. Cross does not have any holes in the outlet cover.

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The Office considers claims 1, 2, 4, 5-8, 11, 12, 14, 15 rejected under 35 U.S.C. 102(e) as being anticipated by McDevitt Jr. (6,769,930).

A rejection under 102(e) requires that:

“(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or”

McDevitt Jr was filed in June 4, 2003 and the patent was issued/published on August 3, 2004. The pending application was filed March 12, 2004, based upon the first available patented / published date of McDevitt Jr. and the filing date of the pending application, McDevitt Jr. is not available as a reference under 35 USC §102(e).

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegual Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (MPEP § 2131)”

Based upon the claim limitations described, each and every limitation of the claims as required by MPEP § 2131 is not disclosed by Rust or Cross in regards to claims 1 and 14. Claims 2, 6-8, 11-13, 15 and 16 are not obvious based upon the changes made to claims 1 and 14 by virtue of dependence on independent claims 1 and 14.

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Obviousness (35 USC § 103(a))

The examiner has rejected Claim 3 under 35 U.S.C. 103(a) as being unpatentable over Rust (US 6,428,333) in view of Chou (US 5,997,318).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. (emphasis added)

While both patents are for use with outlets, there is no teaching, suggestion or motivation in the identified prior art to combine the two patents as required under 103(a). Rust discloses a locking device for retaining an electrical cord in an outlet while Chou discloses a cover for an electrical outlet. The examiner identifies a "Louver tab" in the office action but the Chou patent does not identify the louver in text or by item number. The Chou patent identifies item 12 as a slot in column 2 line 21, 43. The slot would not satisfy the limitation to prevent objects from being passes through the hole as it is now required by claim 1. While it may be possible to combine the two patents the two patents each provide a separate function. If the two patents were combined into a single product the plug retaining holes in Rust would still not be covered with a louver.

Claims 2, 4-13, 15-16 are also not obvious based upon the changes made to claims 1 and 14 by virtue of their dependence on independent claims 1 and 14.

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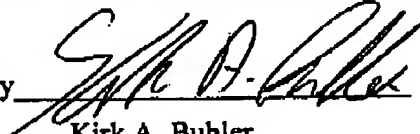
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Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BUHLER & ASSOCIATES

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Figure Attachments

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Annotated Sheet Showing Changes

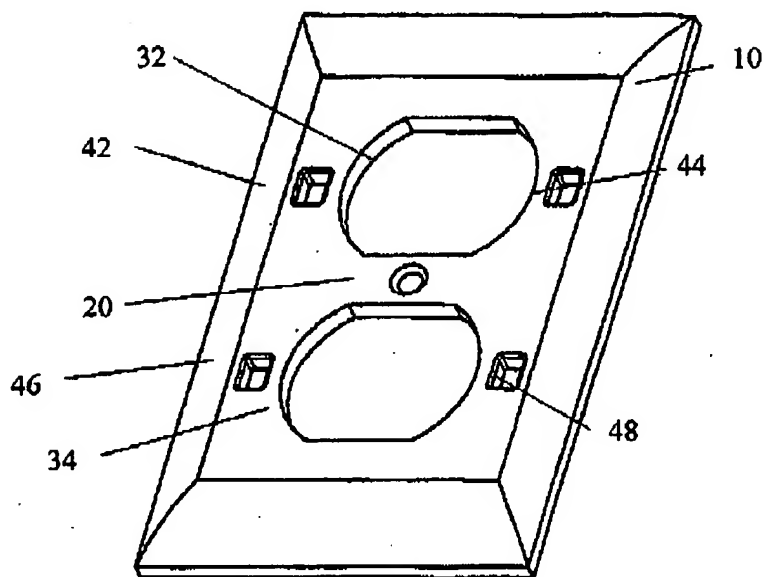


FIG 1

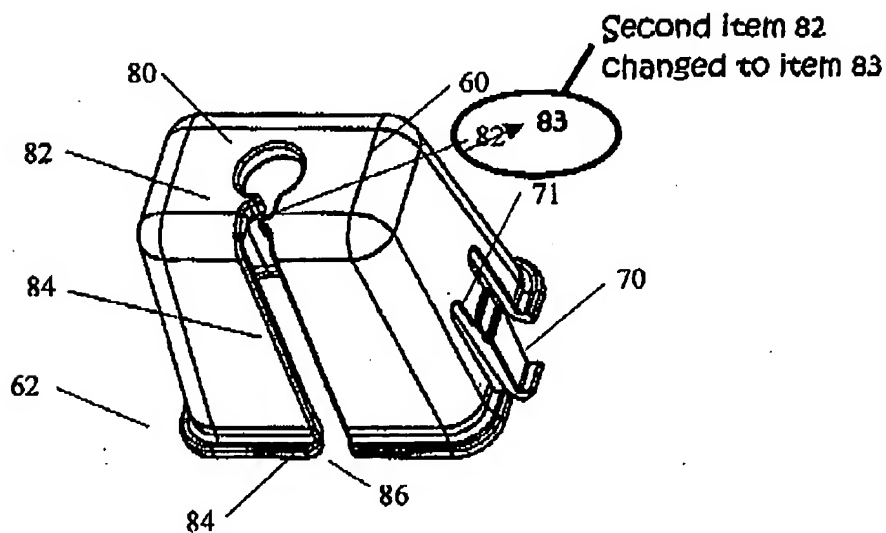


FIG 2